IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No. 72380-M of 2006
Date of Decision:- 11.12.2006

Yunish Masih Hans ....Petitioner(s)

through
Mr.K.S.Dadwal, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.G.S.Cheema, Sr.DAG, Punjab

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

SURYA KANT, J. (Oral)

The prayer in this petition under Section 438 Cr.P.C. is to grant pre-arrest bail to the petitioner in F.I.R.No.6 dated 7.1.2005 under Sections 406, 420, 467, 471, 201 IPC, registered at Police Station, Sarabha Nagar, Ludhiana.

As per the allegations contained in the F.I.R., the petitioner along with his associates was acting as travel agent and took some money from the complainant with an assurance to send him abroad. The complainant, however, was neither sent abroad nor the money taken from him was refunded.

Earlier also the petitioner had approached this Court by way of Crl.Misc.No.58624-M of 2004 which was disposed of by relegating him to approach the learned Sessions Judge at the first instance. The petitioner thereafter approached the learned Sessions Judge but his request for pre-arrest bail was turned down vide order dated 29.10.2005.

The petitioner thereafter again approached this Court by way of Crl.Misc.No.63063-M of 2005 which, after notice of motion, was dismissed

as withdrawn.

Meanwhile, the petitioner and one Joseph Pal filed yet another petition bearing Crl.Misc.No.11240-M of 2006 which was, however, disposed of by this Court vide order dated 17.3.2006 after observing that the investigating agency shall finalise the investigation in accordance with law within three months and the petitioner will be at liberty to put forward his version before the Investigating agency.

This petition is yet another effort by the petitioner to secure pre-arrest bail from this Court.

Upon notice of motion, it is pointed out by learned State counsel that the proceedings to declare the petitioner a proclaimed offender have already been initiated and that his custodial interrogation is required in the matter.

After hearing learned counsel for the parties and having regard to the fact that similar prayer made by the petitioner was earlier turned down by this Court and keeping in view the nature of allegations in terms whereof it appears that his custodial interrogation is required, however, without expressing any views on merits of the case, I do not find any merit in this petition which is accordingly dismissed.

However, if the petitioner surrenders and thereafter moves an application for his release on regular bail, such an application shall be decided within three days.

December 11, 2006 **(SURYA KANT)**
poonam **JUDGE**